

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

**Leroy Burns,**

Plaintiff,

v.

**South Carolina Department of Transportation  
and Carl Chase,**

Defendants.

**C/A No. 3:05-3271-CMC-BM**

**OPINION AND ORDER**

Plaintiff, proceeding *pro se*, filed this action against Defendants claiming he has been discriminated against on the basis of his disability (he is blind) and his race (he is African-American). Plaintiff seeks monetary damages as well as injunctive relief. Defendants filed a motion for summary judgment on August 18, 2006. The court issued a *Roseboro* order on August 22, 2006, advising Plaintiff of the summary judgment procedures and warning Plaintiff that if he failed to respond adequately, the Defendants' motion may be granted, thereby ending his case. When no response was filed, the court issued another order granting an extension for Plaintiff to file his response. Despite the extension, Plaintiff did not file a response.

In accordance with this court's order of reference, 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(e) and (g), D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for a Report and Recommendation. The Magistrate Judge filed his Report and Recommendation on November 11, 2006.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error

on the face of the record in order to accept the recommendation.”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Based on his review of the record, the Magistrate Judge has recommended that Defendants’ motion for summary judgment be **granted** and this case be **dismissed**. The Magistrate Judge notified the parties of their right to file objections to the Report and Recommendation and the serious consequences if no objections were filed. Neither party has filed objections to the Report and Recommendation and the time for doing so has expired.

After reviewing the complaint, the motion and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

**IT IS HEREBY ORDERED** that Defendants’ motion for summary judgment is **granted** and the case is **dismissed**.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
December 22, 2006

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